



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

AGENDA TUOLUMNE COUNTY BOARD OF SUPERVISORS HOUSING POLICY COMMITTEE SPECIAL MEETING County Administration Center Board of Supervisors Chambers Thursday, March 5, 2020 3:00 p.m.

48 Yancy Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
(209) 533-5633
(209) 533-5616 (Fax)
(209) 533-5909 (Fax – EHD)
www.tuolumnecounty.ca.gov

PUBLIC FORUM

The public may speak on any item not on the printed agenda. No action may be taken by the Committee. The amount of time allocated for the public forum is limited to 15 minutes.

COMMITTEE BUSINESS:

1. Consideration of the Minutes of the special meeting of 6/5/19.
2. Reports – Housing legislation.
3. Status Report – Review 2019 Work Plan and proposed 2020 Work Plan.

NEW ITEMS:

Staff presentation regarding local implementation of SB 330 - Housing Crisis Act of 2019.

CONTINUED ITEMS:

None.

ADJOURNMENT

The Board of Supervisors Housing Policy Committee serves as an advisory group to the Board of Supervisors for matters related to housing.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Resources Agency at 209-533-5633. Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (28CFR Part 35 ADA Title II).

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California Housing Legislation – 2019 Update

Article By:

Alfred Fraijo Jr.

Yue Shi

In 2019, the California legislature passed, and Governor Newsom approved, new legislation impacting the development industry. Effective January 1, 2020, the laws summarized below will impact the development process in many ways¹ – from streamlining local permitting procedures for eligible projects to tenant protections and new incentives for financing affordable housing. The new laws also obligate local government to undertake updates in their housing plans and plan for growth, among other requirements. In 2020, we anticipate the state legislature to continue to tackle housing access and affordability and we are closely tracking progress on key bills, including Senate Bill 50 (Weiner).

Bill Number & Name	Author	Key Provisions
Development, Streamlining, Production, and Incentives		
SB 330 – Housing Crisis Act of 2019	Skinner	<ul style="list-style-type: none">• Limits a jurisdiction’s ability to change development standards and zoning applicable to the project once a “preliminary application” is submitted.• Amends the Permit Streamlining Act to specify what constitutes a “preliminary application” and states that a jurisdiction has 1 chance to identify incomplete items in an initial application, and after that may not request any new information.• Prevents jurisdictions from increasing exactions or fees during a project’s application period, and only allows such increases if the resolution or ordinance establishing the fee calls for automatic increases in the fee over time.

		<ul style="list-style-type: none"> Prohibits jurisdictions from conducting more than 5 hearings if a proposed housing project complies with the applicable, objective general plan and zoning standards in effect at the time the application is deemed complete. Prohibits a jurisdiction from enacting development policies, standards or conditions that would change current zoning and general plan designations of land to “lessen the intensity of housing”; from placing a moratorium or similar restrictions on housing development; and from limiting or capping the number of land use approvals or permits. Creates the Housing Accountability Act.
AB 1763 – Planning and zoning: density bonuses: affordable housing	Chiu	<ul style="list-style-type: none"> Creates enhanced density bonus options, including a potential 80% increase in base density and unlimited density bonuses for qualifying projects within a half-mile of a major transit stop. Applies only to projects that consist of 100% affordable housing (no more than 20% moderate-income, and the rest for lower-income).
AB 1485 – Housing development: streamlining	Wicks	<ul style="list-style-type: none"> Clarifies that the calculation to determine if a project qualifies for SB 35 where it consists of two-thirds residential excludes underground space. Clarifies that the 3-year expiration for SB 35 approval in case of litigation expires 3 years after a final judgment upholding the approval, and clarifies that the approval also remains valid as long as vertical construction has begun and is in progress. Clarifies that local governments must issue subsequent permits without unreasonable delay, as long as those subsequent permit applications substantially comply with the approved SB 35 permit. Clarifies that a project complies with SB 35’s qualifying criteria as long as “there is substantial evidence that would allow a reasonable person to conclude” that the development qualifies.

		<ul style="list-style-type: none"> Clarifies that under existing law, SB 35 projects are entitled to protection under the Housing Accountability Act.
AB 1483 – Housing data: collection and reporting	Grayson	<ul style="list-style-type: none"> Requires local agencies to make information available on housing development fees, applicable zoning ordinances and standards, annual fee reports and archived nexus fee studies. Requires cities to clearly post their impact fee schedules and nexus studies. HCD will be required to prepare a 10-year housing data strategy that identifies the data useful to enforce existing housing laws and inform state housing policymaking.
AB 101 – Housing Development and Financing 2019-20 Budget Act	N/A	<ul style="list-style-type: none"> Effective as of July 31, 2019. Requires local governments to provide “by right,” CEQA-exempt approvals to certain qualifying navigation centers that move homeless Californians into permanent housing. Creates additional incentives for cities to comply with their mandates to plan for sufficient housing under housing element law. Creates steep penalties for cities that refuse to comply with Housing Element law, and ties financial incentives to cities that adopt “pro-housing” policies.
CEQA Fast Track		
AB 1560 – CEQA: transportation: major transit stop	Friedman	<ul style="list-style-type: none"> Broadens the definition of a “major transit stop” to include bus rapid transit. Provides that projects located within a ½ mile of a qualifying bus rapid transit stop may qualify for parking reductions, CEQA infill housing, aesthetic and parking exemptions, SB 375 streamlining for qualifying transit priority projects, and a less than significant VMT impact presumption.

		<ul style="list-style-type: none"> The new definition also applies to local incentives.
SB 744 – Planning and zoning: CEQA: permanent supportive housing	Caballero	<ul style="list-style-type: none"> Streamlines the approval process for supportive housing projects by clarifying that a decision to seek funding through the <i>No Place Like Home</i> program is not a project for the purpose of CEQA.
AB 1197 – CEQA: exemption: City of Los Angeles: Supportive Housing and Emergency Shelters	Santiago	<ul style="list-style-type: none"> Exempts from CEQA, until January 1, 2025, any action taken by certain local public agencies to convey, lease, encumber land or provide financial assistance in furtherance of providing emergency shelters or supportive housing in the City of L.A.
Tenant Protections		
AB 1482 – Tenant Protection Act of 2019	Chiu	<ul style="list-style-type: none"> Enacts a yearly cap of 5% plus the change in cost of living on rent increases statewide for the next 10 years. Enacts a just cause provision to prevent landlords from evicting certain tenants absent just cause. Contains exemptions, the 2 most important of which are (i) properties built in the last 15 years, and (ii) single-family home rentals not owned by a REIT or corporation. Does not replace more stringent local measures, including existing local rent control with lower limits and local just cause eviction laws.
AB 1110 – Rent increases: noticing	Friedman	<ul style="list-style-type: none"> Requires 90-day notice, rather than 60-day notice, before a landlord may increase the rent of a month-to-month tenant by more than 10%.
SB 329 – Discrimination: housing: source of income	Mitchell	<ul style="list-style-type: none"> Prohibits landlords from discriminating against tenants who rely on housing assistance paid directly to landlords, such as a Section 8 voucher.

SB 18 – Keep Californians Housed Act	Skinner	<ul style="list-style-type: none"> Removes the December 31, 2019 sunset date on a state law which gives tenants at least 90-days' notice before their tenancy can be terminated if a landlord loses ownership of their rental property as a result of a foreclosure sale.
Accessory Dwelling Units (ADUs)		
AB 68 – Land use: accessory dwelling units	Ting	<ul style="list-style-type: none"> Allows 2 ADUs on a single lot, as well as multiple ADUs on multifamily lots. Requires local agencies to approve or deny an ADU project within 60 days. Restricts local agencies' ability to adopt certain ordinances that would discourage ADUs.
AB 881 – Accessory dwelling units	Bloom	<ul style="list-style-type: none"> Restricting local jurisdictions' permitting criteria. • Clarifies that ADUs must receive streamlined approval if constructed in existing garages. Eliminates local jurisdictions' ability to require owner-occupancy for 5 years.
SB 13 – Accessory dwelling units	Wiecekowski	<ul style="list-style-type: none"> Sunsets on January 1, 2025. Creates a tiered fee structure which charges ADUs more fairly based on their size and location. Prohibits local jurisdictions from imposing impact fees on ADUs under 750 square feet. Prohibits conditional approval of an ADU on the applicant being an "owner-applicant."
AB 587 – Accessory dwelling units; sale or separate conveyances	Friedman	<ul style="list-style-type: none"> Provides that local jurisdictions may allow ADUs to be sold or conveyed separately from a primary residence if certain conditions are met.

		<ul style="list-style-type: none"> • Allows affordable housing organizations to sell deed-restricted ADUs to eligible low-income homeowners.
AB 670 – Common interest developments: accessory dwelling units	Friedman	<ul style="list-style-type: none"> • Prevents homeowners' associations from barring ADUs. • Allows reasonable restrictions.
AB 671 – Accessory dwelling units: incentives	Friedman	<ul style="list-style-type: none"> • Requires local governments to include in their housing plans to incentivize and promote the creation of affordable ADUs. • Requires HCD to develop a list of state grants and financial incentives for ADU development and post it by Dec. 31, 2020.
Surplus Land		
AB 1486 – Surplus Land	Ting	<ul style="list-style-type: none"> • Expands Surplus Land Act requirements for local agencies. • Clarify what it means to grant “priority” to affordable housing proposals by requiring that agencies negotiate exclusively with the entity proposing the most units at the deepest affordability. • Requires local governments to include specified information relating to surplus lands in their housing elements and annual progress reports. • Requires HCD to maintain a searchable and public inventory of all publicly owned or controlled lands and their present usage. • Provides that a local agency that violates the Act is liable for up to 30 percent to 50 percent of the final sale price.
SB 6 – Residential development: available land	Beall	

		<ul style="list-style-type: none"> Requires DGS to create public searchable database of: (1) local land suitable and available for residential development based on information included in local Housing Elements; and (2) state land determined or declared to be excess.
AB 1255 – Surplus public land: inventory	Rivas	<ul style="list-style-type: none"> Requires cities and counties to report to the state an inventory of its surplus lands in urbanized areas. Requires the state to include this information in a digitized inventory of state surplus land sites.
Funding		
AB 1487 – San Francisco Bay Area Regional Housing Finance Act	Chiu	<ul style="list-style-type: none"> Establishes a new regional authority to raise, administer and allocate funding for affordable housing in the San Francisco Bay Area, and provide technical assistance at a regional level for tenant protection, affordable housing preservation and new affordable housing production.
SB 751 – Joint powers authority: San Gabriel Valley Regional Housing Trust	Rubio	<ul style="list-style-type: none"> Authorizes the creation of the Trust, a joint powers authority, by the County of Los Angeles and any or all of the cities within the jurisdiction of the San Gabriel Council of Governments, with the stated purpose of funding housing to assist the homeless population and low-income persons and families within the San Gabriel Valley.
AB 116 – Local government	Ting	<ul style="list-style-type: none"> Removes the requirement that Enhanced Infrastructure Financing Districts (EIFDs) must receive voter approval prior to issuing bonds.
Miscellaneous		
	Beall	

SB 128 – Public contracts: Best Value Construction Contracting for Counties Pilot Program		<ul style="list-style-type: none"> • Extends the pilot program allowing certain counties to select a bidder on a “best value” basis for construction projects over \$1 million to January 1, 2025 and adds new counties to the program. • Participating counties must submit a report describing, among other things, the projects awarded using the best value procedure.
AB 695 – Community college facilities: design-build contracts	Medina	<ul style="list-style-type: none"> • Effective July 1, 2020. • A design-build entity cannot be prequalified or shortlisted unless the entity provides an enforceable commitment to the school district that the entity and its subcontractors use skilled and trained workers or building and construction trade apprentices to perform all work on the project or contract.
AB 1768 – Prevailing wage: public works	Carrillo	<ul style="list-style-type: none"> • Workers employed on public works projects may not be paid less than the general prevailing rate of per diem wages. • Expands the definition of public works to include preconstruction works such as design, feasibility studies, land surveying, and site assessments
SB 197 – Department of Transportation: retention proceeds	Beall	<ul style="list-style-type: none"> • Department of Transportation is indefinitely prohibited from withholding retention proceeds when making progress payments for work performed by a contractor.

¹ Please note, this chart does not include all housing-related bills signed into law during the 2019 Legislative Session. Instead, this chart identifies the bills we believe to be the most impactful on the California real estate industry.

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California's 2020 Housing Laws: What You Need to Know

A Statewide Rent Control Measure, New Procedural Protections, Significant Steps Forward for Accessory Dwelling Units, Surplus Land Amendments and Regional Funding Authorities Are Among the Highlights

October 18, 2019

Holland & Knight Alert

Chelsea Maclean | Daniel R. Golub | Kevin J. Ashe | Paloma Perez-McEvoy

Highlights

- The biggest news out of Sacramento in housing law is a historic measure providing statewide rent control and "just cause" eviction requirements for California renters.
- For advocates of increased housing production, the most significant effort enacted into law is the "Housing Crisis Act," which creates important new vesting rights for housing developments and limits on local review procedures.
- The California Legislature also again embraced Accessory Dwelling Units (ADU), with a package of laws that some are calling "the end of single-family zoning," allowing most single-family homes to be converted into three separate housing units.
- In its first year, the Newsom Administration is focusing on planning for housing development on surplus state lands and further reforming the regional housing needs allocation process. It remains to be seen whether next year's legislative session will yield the major steps forward on streamlining housing approvals that will be necessary for the administration to come close to meeting its goal of building 3.5 million homes by 2025.

As California's housing supply and homelessness crisis continues, the State Legislature has for the past several years passed numerous pieces of housing legislation in each legislative session. (See Holland & Knight's previous alerts, "A Closer Look at California's New Housing Production Laws," Dec. 6, 2017 and "California's 2019 Housing Laws: What You Need to Know," Oct. 8, 2018.) This year was no exception, with more than 30 individual pieces of housing legislation enacted into law.

This Holland & Knight alert takes a closer look at these laws, grouped into following categories:

- **Tenant Protections.** A statewide rent control measure that will take effect in 2020, among other tenant protection measures.
- **Streamlining, Increasing Density and Reducing Barriers to Production.** Sen. Nancy Skinner's "Housing Crisis Act" creates important new vesting rights for housing developments, and the Legislature has also enacted important new reforms to the Density Bonus Law and clarifications to SB 35's Streamlined Ministerial Approval Process.
- **Accessory Dwelling Units and "Triplexes."** A groundbreaking package of new laws that some are calling "the end of single-family zoning" will create new incentives and streamlined processes to build ADUs and triplexes.
- **Surplus Land Availability / Planning and Impact Fee Data.** New laws significantly expand Surplus Lands Act requirements for local agencies in an effort to achieve more affordable housing on surplus publicly owned properties.
- **CEQA and Housing.** The major transit stop definition was broadened to make more projects eligible for streamlining and a handful of limited California Environmental Quality Act (CEQA) exemptions were created for specific homelessness projects.

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- **Funding.** Gov. Gavin Newsom vetoed a bill that would have created an "Affordable Housing and Community Development Investment Program" that would have revived redevelopment, but he signed a number of smaller funding bills, including laws that will create new regional finance agencies in the Bay Area and the San Gabriel Valley.

This alert also includes some observations about the important work California still needs to do to stem the housing crisis, and consider what may be around the corner in the 2020 legislative session. Except where noted, these new laws take effect Jan. 1, 2020.

Tenant Protections

The most significant housing law of the 2019 legislative session was the enactment of a statewide rent control law.

AB 1482 (Assembly Member David Chiu) – The Tenant Protection Act of 2019 enacts a cap of 5 percent plus inflation per year on rent increases statewide for the next 10 years. The new law does not apply a cap to vacant units, and owners can continue to reset rents to market rate at vacancy. It also prevents landlords from evicting certain tenants without landlords first providing a reason for the eviction and requires relocation assistance. The law does not apply to properties built in the last 15 years, nor does it apply to single-family home rentals (unless owned by large corporations) or to projects already under construction or under current rent control schemes. The new law defers to more stringent local measures, including existing local rent control with lower limits and local just cause eviction laws. The law's anti-eviction protections, which would limit evictions to lease violations or require relocation assistance, will kick in after a tenant has lived in an apartment for a year. Gov. Newsom's enactment of a rent cap comes less than a year after California voters rejected a ballot measure that would have expanded local rent control policies statewide, which would have likely resulted in tighter restrictions in some cities than those now offered by AB 1482. (For additional detail, please see Holland & Knight's previous alert, "Rent Control Bill Gets Gov. Newsom's Support as Clock Ticks on Deadline for New Laws," Sept. 9, 2019.)

AB 1110 (Assembly Member Laura Friedman) – Noticing Rent Increases requires 90-day notice, rather than 60-day notice, before a landlord may increase the rent of a month-to-month tenant by more than 10 percent.

SB 329 (Assembly Member Holly Mitchell) – Housing Discrimination prohibits landlords from discriminating against tenants who rely on housing assistance paid directly to landlords, such as a Section 8 voucher, to help them pay the rent.

SB 18 (Sen. Nancy Skinner) – The Keep Californians Housed Act removes the Dec. 31, 2019, sunset date on a state law which gives tenants at least 90 days' notice before their tenancy can be terminated if a landlord loses ownership of their rental property as a result of a foreclosure sale.

Streamlining, Increasing Density and Reducing Barriers to Production

Sen. Skinner's SB 330, the "Housing Crisis Act of 2019," stands out as the most important new law affecting large-scale housing developments.

SB 330 (Skinner) – Housing Crisis Act of 2019 includes a number of new procedural protections, including the following:

- *Preliminary Application Protections* – limitations on a jurisdiction's ability to change development standards and zoning applicable to the project once a "preliminary application" is submitted
- *Application Completeness Streamlining* – amends the Permit Streamlining Act to specify what constitutes a "preliminary application" and states that a jurisdiction has one chance to identify incomplete items in an initial application and after that may not request the submission of any new information that was not in the initial list of

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missing items

- *Fees/Exactions Limitations* – prevents jurisdictions from increasing exactions or fees during a project's application period, but allows such increases if the resolution or ordinance establishing the fee calls for automatic increases in the fee over time
- *Hearing Limitations* – prohibits cities or counties from conducting more than five hearings if a proposed housing development complies with the applicable, objective general plan and zoning standards in effect at the time an application is deemed complete
- *Downzoning Prohibitions* – prohibits a jurisdiction (with some exceptions) from enacting development policies, standards or conditions that would change current zoning and general plan designations of land where housing is an allowable use to "lessen the intensity of housing"; from placing a moratorium or similar restrictions on housing development; from imposing subjective design standards established after Jan. 1, 2020; and limiting or capping the number of land use approvals or permits that will be issued in the jurisdiction, unless the jurisdiction is predominantly agricultural

Some of the most important provisions in SB 330 sunset on Jan. 1, 2025, if not extended. (For additional detail on SB 330, see Holland & Knight's previous alert, "California Legislature Passes Housing Crisis Act of 2019 and Rent Control Bill, Among Others," Sept. 12, 2019; For background on the Housing Accountability Act, upon which SB 330 builds, see Holland & Knight's previous alert, "California Governor Signs into Law Major Reforms to Housing Accountability Act," Sept. 29, 2017.)

AB 1763 (Chiu) – Density Bonuses for 100 Percent Affordable Projects creates enhanced density bonus options, including a potential 80 percent increase in base density and unlimited density bonuses for qualifying projects within a half-mile of a major transit stop, under the State Density Bonus Law. However, this only applies to projects that consist of 100 percent affordable housing (no more than 20 percent moderate-income, and the remainder for lower-income).

AB 1485 (Assembly Member Buffy Wicks) – Amendments to SB 35's Streamlined Ministerial Approval Process makes a number of important clarifications to SB 35 of 2017, a law that allows qualifying housing and housing-rich mixed-use projects to qualify for a streamlined, ministerial CEQA-exempt approval process if the project meets the local government's objective zoning, subdivision and design review standards, provides a specific minimum number of affordable housing units, agrees to pay prevailing wages to construction workers, and meets other qualifying criteria. AB 1485 amends SB 35 in several ways:

- *Moderate-Income Options* – broadens eligibility for SB 35 to Bay Area projects that provide 20 percent of their units for moderate-income households (less than 120 percent of area median income), under certain conditions
- *Calculating "Two-Thirds" Mixed-Use Projects* – clarifies that the calculation to determine if a project qualifies for SB 35 where it consists of two-thirds residential excludes underground space such as parking garages and basements
- *Approval Expiration Dates* – clarifies that the three-year expiration for SB 35 approvals in case of litigation expires three years after a final judgment upholding the approval, and clarifies that the approval also remains valid as long as vertical construction of the development has begun and is in progress
- *Subsequent Permits* – clarifies that local governments must issue subsequent permits – such as demolition, grading, building permits and final maps – without unreasonable delay, as long as those subsequent permit applications substantially comply with the approved SB 35 permit
- *Standards of Review and Consistency with Other Laws* – clarifies that the standard for determining whether a project qualifies for SB 35 is highly deferential to the project applicant: a project complies with SB 35's criteria as long as "there is substantial evidence that would allow a reasonable person to conclude" that the development

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complies

- *Housing Accountability Act*– clarifies that under existing law, SB 35 projects are entitled to protection under the Housing Accountability Act

(For further information on SB 35's streamlined ministerial approval process, see Holland & Knight's previous alerts, "California Issues Initial Implementation Guidance on 2017 Housing Laws," Feb. 15, 2018, and "A Closer Look at California's New Housing Production Laws," Dec. 6, 2017.)

AB 101 – Housing Development and Housing 2019-20 Budget Act – requires local governments to provide "by right," CEQA-exempt approvals to certain qualifying navigation centers that move homeless Californians into permanent housing. The law, which took effect on July 31, 2019, also creates additional incentives for cities to comply with their mandates to plan for sufficient housing in their Housing Elements, and provides some modest additional remedies that the state can use in court when cities fail to comply with housing element law. These reforms fall well short of Gov. Newsom's proposal at the beginning of 2019 to withhold state money from cities that fail to plan for and approve sufficient housing.

AB 430 (Assembly Member James Gallagher) – The Camp Fire Housing Assistance Act of 2019 is intended to create housing relief in areas of Butte County, where the housing stock was devastated by the 2018 Camp Fire. The new law creates a streamlined, ministerial CEQA-exempt approval process in and adjacent to the cities of Biggs, Corning, Gridley, Live Oak, Orland, Oroville, Willows and Yuba City for qualifying housing developments that comply with those localities' objective zoning, subdivision and design review standards.

AB 1783 (Robert Rivas) – Farmworker Housing creates a streamlined, ministerial CEQA-exempt approval process for qualifying agricultural employee housing developments on land zoned primarily for agricultural uses.

Accessory Dwelling Units and "Triplexes"

Accessory Dwelling Units (ADU) are additional living quarters on the same lot as a primary dwelling unit. While California laws have paved the way for increased ADU development, some cities have enacted ordinances that render ADU development infeasible or cost prohibitive. By further reducing barriers to ADU development, the new bills discussed below could bring tens of thousands of new ADUs online over the next few years.

AB 68 (Assembly Member Phil Ting) / AB 881 (Assembly Member Richard Bloom) – Processing Timelines, Ordinance Prohibitions and Triplexes requires local agencies to either approve or deny an ADU project within 60 days of receiving a complete building permit application on a ministerial (CEQA-exempt) basis. The new law further prohibits local agencies from adopting ADU ordinances that: impose minimum lot size requirements for ADUs; set certain maximum ADU dimensions; require replacement off-street parking when a "garage, carport or covered parking structure" is demolished or converted to construct the ADU. Notably, the new law allows for an ADU as well as a "junior" ADUs where certain access, setback and other criteria are met – this has been referred to the "tripelex-ation" of single-family zoning. The new law has also explicitly identified opportunities for ADUs in multifamily buildings, including storage rooms, boiler rooms, etc., where building standards are met. New enforcement mechanisms have also been added. The Department of Housing and Community Development (HCD) may now notify the Attorney General's Office of any violations of these new provisions.

SB 13 (Sen. Bob Wieckowski) – Owner-Occupancy Prohibitions and Fee Limitations provides, until Jan. 1, 2025, that cities may not condition approval of ADU building permit applications on the applicant being the "owner-applicant" of either the primary dwelling or the ADU. Additionally, agencies cannot impose impact fees on ADUs under 750 square feet.

AB 587 (Friedman) – Separate Conveyances provides that local agencies may now allow ADUs to be sold or

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conveyed separately from a primary residence if certain conditions are met. Prior law that prohibited ADUs from being sold or conveyed separately from the primary residence in which they are co-located hindered shared ownership models, such as tenancies in common. This law, therefore, is expected to increase the ability of affordable housing organizations to sell deed-restricted ADUs to eligible low-income homeowners.

AB 670 (Friedman) – HOA Limitations prevents homeowners' associations from barring ADUs. Many single-family neighborhoods in California were established as common-interest developments under the Davis-Stirling Common Interest Development Act. These properties are typically governed by a set of Covenant, Conditions and Restrictions (CC&Rs), which often restrict the types of construction that can occur within and adjacent to a member's home. AB 670 makes unlawful any HOA condition that "prohibits or unreasonably restricts" the construction of ADUs on single-family residential lots.

AB 671 (Friedman) – Local Government Assistance requires local governments to include in their General Plan housing elements plans to incentivize and promote the creation of affordable ADUs. The law also requires HCD to develop, by Dec. 31, 2020, a list of state grants and financial incentives for ADU development.

Surplus Land Availability, Planning and Impact Fee Data

Several new laws intend to collect and make information available regarding surplus state and local land suitable for affordable residential development and to revamp the Surplus Lands Act procedures to ensure that affordable housing entities have early opportunities to purchase available land. (For additional information on HCD's release of interactive maps identifying surplus properties, see Holland & Knight's previous alert, "New California Surplus Lands Maps and Legislation to Facilitate Affordable Housing," Sept. 17, 2019.) Other notable laws require reporting on impact fees and HCD to prepare a 10-year housing data strategy.

AB 1486 (Ting) – Surplus Lands Act Process Amendments expands the Surplus Lands Act's (Act) requirements for local agencies in an effort to achieve more affordable housing on surplus properties. Existing law requires agencies, when disposing of surplus land, to first offer it for sale or lease for the purpose of developing affordable housing. The bill analysis states that local agencies have attempted to circumvent the Act process in the past. Notable amendments include a new requirement for a local agency to provide information about its disposition process to HCD and for HCD to submit, within 30 days, written findings of any process violations that have occurred. Amendments also provide that a local agency that violates the Act is liable for 30 percent to 50 percent of the final sale price.

SB 6 (Sen. James Beall) – Available Residential Land requires local agencies preparing a housing element or amendment on or after Jan. 1, 2021, to submit an inventory of land suitable residential development. Additionally, new law requires HCD to provide to the Department of General Services a list of lands suitable and available for residential development that were identified by a local government as part of the housing element. The Department of General Services must create a database of information regarding available local and state lands available and searchable by the public online.

AB 1255 (Rivas) – Surplus Public Land Inventory further requires agencies to make a central inventory of all surplus land and to report such information to HCD by April 1 of each year, beginning April 1, 2021. Agencies are further required to provide a list of its surplus land to requesting parties without charge. HCD must then report the information to the Department of General Services for inclusion in a digitized inventory of surplus properties.

AB 1483 (Assembly Member Tim Grayson) – Housing Impact Fee Data Collection and Reporting requires local agencies to make information available on housing development fees, applicable zoning ordinances and standards, annual fee reports and archived nexus fee studies. Such agencies are then required to update the information within 30 days of any changes. Additionally, HCD will be required, on or after Jan. 1, 2020, to prepare a 10-year housing data strategy that identifies the data useful to enforce existing housing laws and inform state housing policymaking. Among

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other information requirements, the strategy must include information that provides a better understanding of project appeals, approvals, delays and denials and provides an understanding of the process, certainty, costs and time to approve housing.

SB 235 (Sen. Bill Dodd) – Napa Regional Housing Need Allocation Reporting allows the City of Napa (city) and County of Napa (county) to reach an agreement under which the county would be allowed to count housing units built within the city in connection with the approximately 700 unit Napa Pipe project toward the county's regional housing needs assessment requirement. The governor's signing statement included an unusually direct message that the governor "expects permits will be issued expeditiously by the local jurisdictions, allowing [the] project to proceed immediately."

CEQA and Housing

Legislative efforts regarding CEQA include an important revision broadened the definition of a major transit stop as well as streamlining the process for supportive housing and homeless shelter projects.

AB 1560 (Friedman) – Defining "major transit stop" broadens the definition of a "major transit stop" under Public Resources Code Section 21064.3 to include bus rapid transit. Projects located within a half-mile of a qualifying bus rapid transit stop that meet other qualifying conditions may qualify for multiple benefits: parking reductions pursuant to the State Density Bonus Law; CEQA infill housing, aesthetic and parking exemptions; SB 375 streamlining for qualifying transit priority projects; a less than significant Vehicle Miles Traveled (VMT) impact presumption. The new definition also applies to local incentives, such as those adopted per Measure JJJ and implemented in the City of Los Angeles' Transit Oriented Guidelines, for residential projects located within 1,500 feet of a major transit stop.

SB 744 (Sen. Anna Caballero) – No Place Like Home Projects streamlines the approval process for supportive housing projects by clarifying that a decision to seek funding through the No Place Like Home program is not a project for the purpose of CEQA. No Place Like Home is a voter-approved bond measure that will allocate up to \$2 billion for the development of permanent supportive housing and wrap around mental health services. The new law also provides a number of clarifying amendments that ensures a local government's design standards, impact fees and exactions are applied similarly to supportive housing projects as other residential projects in the same zone.

AB 1197 (Assembly Member Miguel Santiago) – CEQA Exemption for Supportive Housing and Emergency Shelters exempts from CEQA, until Jan. 1, 2025, any action taken by certain local public agencies to convey, lease, encumber land or provide financial assistance in furtherance of providing emergency shelters or supportive housing in the City of Los Angeles. The legislation carried an urgency clause, making the new law effective on Sept. 26, 2019.

Funding

Hopes of a return to Redevelopment Authority days were dashed when Gov. Newsom vetoed SB 5 (Beall), which would have created the "Affordable Housing and Community Development Investment Program," a program similar to redevelopment in which cities and counties could redirect local property tax revenues toward projects such as affordable housing. In his veto message, Gov. Newsom cited the potential for the program to cost \$2 billion annually. The governor and Legislature did, however, successfully enact into law a number of bills aimed at increasing overall funding for housing development, including laws that will create new regional finance agencies in the Bay Area and the San Gabriel Valley. Such housing bills include:

AB 1487 (Chiu) – Bay Area Housing Finance Authority (BAHFA) establishes a new regional authority to raise, administer and allocate funding for affordable housing in the San Francisco Bay area, and provide technical assistance at a regional level for tenant protection, affordable housing preservation and new affordable housing production. BAHFA will be governed by the Metropolitan Transportation Commission (MTC) Board and staffed with MTC personnel, but will operate as a separate legal entity than MTC. The law permits BAHFA, with approval from the

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Association of Bay Area Governments, to place measures on the regional ballot measure to raise funding for affordable housing, including parcel taxes (on per parcel basis) or special taxes on businesses (measured by gross receipts).

SB 751 (Sen. Susan Rubio) – San Gabriel Valley Regional Housing Trust (Trust) authorizes the creation of the Trust, a joint powers authority, by the County of Los Angeles and any or all of the cities within the jurisdiction of the San Gabriel Valley Council of Governments, with the stated purpose of funding housing to assist the homeless population and persons and families of extremely low, very low and low income within the San Gabriel Valley. SB 751 authorizes the Trust to fund the planning and construction of housing, receive public and private financing and funds, and issue bonds.

AB 116 (Ting) – Enhanced Infrastructure Financing District Creation removes the requirement that Enhanced Infrastructure Financing Districts (EIFDs) must receive voter approval prior to issuing bonds. EIFDs were created by the Legislature in 2014 after the demise of redevelopment in order to allow local governments to devote tax-increment financing for public and private projects such as transportation facilities, environmental remediation and affordable housing. Instead of requiring voter approval, the law will now permit the EIFD's governing body to issue bonds as long as its resolution to do so contains specified information related to the issuance of the bonds, and the board holds at least three public hearings on an enhanced infrastructure financing plan. (For more information on EIFDs and related infrastructure financing mechanisms that could assist your project, see Holland & Knight's previous alerts, "Enhanced Infrastructure Financing Districts," Nov. 12, 2014, and "What's Old, What's New and What Works," October 2016.)

SB 196 (Beall) – Community Land Trust Tax Exemption enacts a new welfare exemption for property owned by a Community Land Trust (CLT) that is being or will be developed or rehabilitated as housing. Traditionally, under California law property used for religious, hospital, scientific or charitable purposes is exempt from property taxes under the "welfare exemption." The new legislation extends the exemption during the construction phase until the homes are sold, but provides that a CLT will be liable for property taxes if the property was not developed, rehabilitated, or in the course of construction within 5 years of the lien date following its acquisition.

AB 1743 (Bloom) – Welfare Exemption expands the properties that are exempt from Community Facilities District (CFD) taxes to include properties that qualify for the property tax welfare exemption, and limits the ability of local agencies to reject housing projects because they qualify for the exemption.

SB 113 (Committee on Budget and Fiscal Review) – National Mortgage Special Deposit Fund (Fund) enables \$331 million in state funds to be transferred to the Fund to provide funding for borrower relief and legal aid to vulnerable homeowners and renters.

AB 1010 (Assembly Member Eduardo Garcia) – Housing Program Eligible Entities allows duly constituted governing bodies of Native American reservations and Rancherias eligible applicants to participate in various state affordable housing programs.

Conclusion

The Legislature's housing output is certainly impressive in terms of total volume – and the new ADU package and SB 330 are important steps forward for homebuilders and housing advocates alike. But it is important to put these efforts within the context of the immense scale of California's housing supply crisis.

California home values remain the highest in the nation, and California renters pay 43 percent above the nationwide median, leading to immense strain on low- to moderate-income households. The homelessness crisis is evident on the streets of every city, and the state's homeless residents represent a quarter of the national total. Yet homebuilding in California has averaged less than 100,000 new units per year, much slower than in other states.

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Prompted by the important work of the "Three P's" Coalition for Housing Production, Protection and Preservation, the governor pushed for a major effort that would take dramatic steps forward on all three of these areas, by limiting the ability of local governments to obstruct housing development, and even promising to withhold state transportation funding from local governments that fail to approve their fair share of affordable housing.

In the end, the Legislature's statewide rent control bill represented an historic step forward for "Protection" and "Preservation." But laws that would have represented a comparably dramatic step forward for housing production, such as Sen. Scott Wiener's SB 50, were not enacted. (SB 50, which will return next session, would eliminate highly restrictive zoning rules near existing job centers and public transportation.) The governor abandoned his proposal to withhold transportation funds from local governments that fail to meet their fair share of housing goals. Meanwhile, midyear statistics show that 2019 new housing starts may even decline in production from prior years – and certainly will come nowhere near the 500,000 units annually that would be necessary to stay on pace to meet the administration's goals.

In this year's package of housing laws, the Legislature has continued emphasizing (as seen in AB 68, AB 881, AB 101, AB 1485, SB 744, AB 1197, AB 1763 and AB 430) that it believes that the best way to build housing is to reform and streamline the local review process and move toward a "by right" model for housing that complies with local zoning and planning rules. However, the Legislature continues to apply this principle on a very limited scale rather than to advance the construction of the 3.5 million homes that Gov. Newsom has said must be built by 2025. In next year's session, builders and housing advocates must be active and vocal to ensure that California rises to the challenge of the housing crisis.

Information contained in this alert is for the general education and knowledge of our readers. It is not designed to be, and should not be used as, the sole source of information when analyzing and resolving a legal problem. Moreover, the laws of each jurisdiction are different and are constantly changing. If you have specific questions regarding a particular fact situation, we urge you to consult competent legal counsel.

Authors



Chelsea Maclean is a California attorney in Holland & Knight's West Coast Land Use and Environment Practice Group who counsels clients on all aspects of land use development.

415.743.6979 | Chelsea.Maclean@hklaw.com



Daniel R. Golub is an attorney in the West Coast Land Use and Environment Group in Holland & Knight's San Francisco office. Mr. Golub brings nearly a decade of policy, planning and political organizing experience to his practice, as well as litigation experience gained during an 18-month clerkship for the Honorable Jon S. Tigar of the U.S. District Court for the Northern District of California.

415.743.6976 | Daniel.Golub@hklaw.com



415.743.6972 | Kevin.Ashe@hklaw.com



Paloma Perez-McEvoy is an attorney in the West Coast Land Use and Environmental Group in Holland & Knight's Los Angeles office. Ms. Perez-McEvoy brings more than 15 years of government relations, public policy, and planning and land use experience to the firm.

213.896.2564 | Paloma.Perez-McEvoy@hklaw.com

BOARD OF SUPERVISORS HOUSING POLICY COMMITTEE (BOSHPC) FINAL 2019 WORK PROGRAM

Adopted by the Board of Supervisors on: May 21, 2019

Status Update: December 31, 2019

The following is a list of issues proposed to be addressed by the Tuolumne County Board of Supervisors Housing Policy Committee in 2019. Some of these items are carried over from the 2018 Housing Policy Committee Work Plan. The issues addressed by the Committee are directed by the Board of Supervisors, requested by County staff, the Housing Policy Committee, the Housing Loan Review Committee, or are part of the normal operation of the County's affordable housing programs. Other items will be submitted to the Board for approval to be added to the list as issues arise requiring the Committee's consideration.

Homelessness

No Place Like Home Program - On July 1, 2016, Governor Brown signed legislation enacting the No Place Like Home (NPLH) program to dedicate \$2 billion in bond proceeds to invest in the development of permanent supportive housing for persons who are in need of mental health services and are experiencing homelessness, chronic homelessness, or who are at risk of chronic homelessness. Community Resources Agency (CRA) staff and County Behavioral Health staff are working together on this project. The County was awarded a \$75,000 technical assistance grant for planning, site review, and preparation of documents needed to apply for NPLH project development funds.

Staff has been working to identify potential sites for a project and has been in discussion with Visionary Home Builders from Stockton to encourage their interest in a larger affordable housing project where a portion of the units would be available for NPLH clients.

Status: County CRA and Behavioral Health staff worked on a County Plan to Combat Homelessness. The plan was approved by the Board of Supervisors Housing Policy Committee on June 5, 2019 and adopted by the Board of Supervisors on July 16, 2019. At that same meeting, the Board also approved a non-competitive grant application for \$500,000 for NPLH permanent supportive housing.

On December 4, 2018 the County Board of Supervisors approved the use of \$302,411.97 from the Central Sierra Continuum of Care (COC) Homeless Emergency Aid Program (HEAP) for purchase of Hospital Road Apartments, an existing 10-unit apartment complex which is located at 241 Hospital Road and is a block away from the County Behavioral Health Enrichment Center. The Stanislaus County Housing Authority purchased the project in 2019, and they have been working to renovate it. The units can be used for permanent supportive housing and can be made available to local nonprofit agencies such as the Amador Tuolumne Community Action Agency, Sierra HOPE, and the Center for a Nonviolent Community to master lease for their clients.

Affordable Housing Projects

Jamestown Project - Visionary Home Builders is interested in building an approximately 65-unit affordable housing rental project on a parcel in Jamestown. The land owner and Visionary have signed a Memorandum of Understanding with the terms of purchase. The seller's engineer is working on the revised Parcel Map to reconfigure existing property lines on the project site. Once the parcel map is approved, the parties will enter into a sales contract and Visionary will begin to secure project funding and obtain the necessary County entitlements. Visionary anticipates utilizing NPLH funding to dedicate a portion of the units as permanent supportive housing.

Status: Visionary Home Builders attempted to purchase the site in 2019, but the sellers did not decide to sell it to them. This was very disappointing to Visionary and County staff who both spent considerable time on the project. County staff is working on an alternate site.

Peaceful Valley Site - The Housing Authority purchased a 3.3-acre Caltrans property on Peaceful Valley Road. They will be working with County staff to research development requirements, utilities, etc. to begin exploring possible uses for the site.

Veteran's Housing – Encourage all rental, for sale and permanent supportive housing to include units for Veterans.

Status: Staff will work with affordable housing developers on a project by project basis.

Energy Conservation

Green Energy Upgrade Fund –The Board of Supervisors created a Green Energy Upgrade Fund and authorized staff, the BOSHPC and the Housing Loan Review Committee to engage in fundraising efforts. The first project was partnering with GRID Alternatives to place solar photovoltaic systems on homes owned by County housing clients. In 2017, GRID Alternatives funded and installed two solar photovoltaic systems on homes owned by County Program clients. County staff and GRID Alternatives met with the Sonora Area Foundation in November and will submit a funding proposal in 2018. The Committee may wish to consider fundraising strategies and assist with fundraising efforts.

Status: No progress due to limited staff time.

Housing Policy

Housing Element – The County is updating the Housing Element of the General Plan. The BOSHPC provided input concerning policy priorities in 2018. The committee will review the draft plan and assist with public outreach in 2019. The Housing Element will need to be updated, adopted and approved by HCD no later than August 31, 2019.

Status: Community Resources Agency staff completed the Housing Element update in 2019. The draft was reviewed by the BOSHPC at the May 9, 2019 meeting and committee members voted to recommend Board of Supervisor approval. The Board of Supervisors approved the Housing Element at their September 3, 2019 meeting. The document was submitted to HCD, and tentatively approved during their review which was completed on August 20, 2019. HCD officially certified the Housing Element on October 14, 2019.

Housing Legislation – The Committee reviews legislation that may affect the County's affordable housing policies and programs and makes recommendations to the Board of Supervisors.

Status: Letters of support for state housing bills SB 1010 and AB 252 were approved by the committee on April 11, 2019 meeting. The chair signed the letters which were submitted to the state. Letters of support from the Board of Supervisors were approved on May 21, 2019 and were also sent to the state.

Encourage Production of Market Rate and Affordable Rental and For Sale Units - The committee will review data relevant to Tuolumne County that can impact the production of housing. While the County does not use local funds to build housing, how can the County leverage State, Federal and other funds to encourage the production of affordable housing? Are there policies and programs that can be added to the Housing Element to increase the supply of rental and for sale housing for all income levels?

Status: This is an item on last year's work plan and the committee may wish to set goals for 2019.

Ongoing Program Items

Mobilehome Rent Control – The County adopts an annual report which sets the annual mobilehome rent control fee for the County.

Status: This ordinance was adopted by the Board of Supervisors on November 7, 1995.

Grant Proposals – The Committee reviews grant applications that will help fund the County's affordable housing programs and makes recommendations to the Board of Supervisors.

Status: Staff will bring grant applications to the committee as needed.

Section 8 Housing Choice Voucher Program – The Section 8 Housing Choice Voucher Program in Tuolumne County is administered by the Stanislaus County Housing Authority. When they assumed administration of the program, they agreed to provide status updates and work with local social service providers to coordinate and expand service in Tuolumne County as funds permit. They also agreed to coordinate with the Central Sierra Continuum of Care to work to prioritize assistance for people who are homeless or at risk for homelessness.

Status: Reports scheduled annually or as needed.

**BOARD OF SUPERVISORS
HOUSING POLICY COMMITTEE
(BOSHPC)
DRAFT 2020 WORK PROGRAM**

Adopted by the Board of Supervisors on:

Status Update:

The following is a list of issues proposed to be addressed by the Tuolumne County Board of Supervisors Housing Policy Committee in 2020. Some of these items are carried over from the 2019 Housing Policy Committee Work Plan. The issues addressed by the Committee are directed by the Board of Supervisors, requested by County staff, the Housing Policy Committee, the Housing Loan Review Committee, or are part of the normal operation of the County's affordable housing programs. Other items will be submitted to the Board for approval to be added to the list as issues arise requiring the Committee's consideration.

Homelessness

No Place Like Home Program - On July 1, 2016, Governor Brown signed legislation enacting the No Place Like Home (NPLH) program to dedicate \$2 billion in bond proceeds to invest in the development of permanent supportive housing for persons who are in need of mental health services and are experiencing homelessness, chronic homelessness, or who are at risk of chronic homelessness. Community Resources Agency (CRA) staff and County Behavioral Health staff are working together on this project. The County was awarded a \$75,000 technical assistance grant for planning, site review, and preparation of documents needed to apply for NPLH project development funds.

County CRA and Behavioral Health staff worked on a County Plan to Combat Homelessness. The plan was approved by the Board of Supervisors Housing Policy Committee on June 5, 2019 and adopted by the Board of Supervisors on July 16, 2019. At that same meeting, the Board also approved a non-competitive grant application for \$500,000 for NPLH permanent supportive housing. The allocation is designed to be leverage towards a larger affordable rental project where a portion of the units are reserved for permanent supportive housing.

Status: Staff has been working to identify potential sites and experienced affordable housing developers for an affordable rental project where a portion of the units would be available for NPLH clients.

Affordable Housing Projects

Affordable Housing Rental Project – This item is listed under the NPLH Program.

Peaceful Valley Site - The Housing Authority purchased a 3.3-acre Caltrans property on Peaceful Valley Road. They will be working with County staff to research development requirements, utilities, etc. to begin exploring possible uses for the site.

Housing Policy

SB 2 Grant – The County received a \$160,000 planning grant from State HCD utilizing SB 2 funds. The grant will be used to update Title 17 of the Zoning Code, draft an accessory dwelling unit (ADU) ordinance and program, review the inclusionary housing ordinance and other tasks that will help encourage residential development and make it easier for developers to build.

Status: Community Resources Agency staff issued and RFP and is reviewing applications.

Housing Legislation – The Committee reviews legislation that may affect the County's affordable housing policies and programs and makes recommendations to the Board of Supervisors.

Status:

Ongoing Program Items

Mobilehome Rent Control – The County adopts an annual report which sets the annual mobilehome rent control fee for the County.

Status: This ordinance was adopted by the Board of Supervisors on November 7, 1995.

Grant Proposals – The Committee reviews grant applications, as needed, that will help fund the County's affordable housing programs and makes recommendations to the Board of Supervisors.

Status: The Board of Supervisors approved a \$1,000,000 HOME Grant application to HCD for the County's first-time homebuyer and tenant-based rental assistance programs at their January 7, 2020 meeting. At the February 4, 2020 meeting the Board approved a \$550,000 CalHome Grant application for the first-time homebuyer program.



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

February 1, 2020

TO: Board of Supervisors Housing Policy Committee
FROM: Quincy Yaley, Community Development Director
RE: SB 330 (Skinner) – Housing Crisis Act of 2019

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
(209) 533-5633
(209) 533-5616 (Fax)
(209) 533-5909 (Fax – EHD)
www.tuolumnecounty.ca.gov

1. SB 330 (Skinner), also known as the Housing Crisis Act of 2019, creates important new vesting rights for housing developments and limits on local review procedures. It also bans jurisdictions from downzoning or otherwise adopting standards that would lessen housing intensity on sites zoned or planned for residential use – but it does not otherwise limit the ability to impose the California Environmental Quality Act or other discretionary review procedures on housing development applications.
2. SB 330 sunsets on January 1, 2025, if not extended, and includes a number of new procedural protections, such as:
 - *Preliminary Application Protections* – limitations on a jurisdiction's ability to change development standards and zoning applicable to the project once a "preliminary application" is submitted.
 - *Application Completeness Streamlining* – amends the Permit Streamlining Act to specify what constitutes a "preliminary application" and states that a jurisdiction has one chance to identify incomplete items in an initial application and after that may not request the submission of any new information that was not in the initial list of missing items.
 - *Fees/Exactions Limitations* – prevents jurisdictions from increasing exactions or fees during a project's application period but allows such increases if the resolution or ordinance establishing the fee calls for automatic increases in the fee over time.
 - *Hearing Limitations* – prohibits cities or counties from conducting more than five hearings if a proposed housing development complies with the applicable, objective general plan and zoning standards in effect at the time an application is deemed complete.
 - *Downzoning Prohibitions* – prohibits a jurisdiction (with some exceptions) from enacting development policies, standards or conditions that would change current zoning and general plan designations of land where housing is an allowable use to "lessen the intensity of housing"; from placing a moratorium or similar restrictions on housing development; from imposing subjective design standards established after Jan. 1, 2020; and limiting or capping the number of land use approvals or permits that will be issued in the jurisdiction, unless the jurisdiction is predominantly agricultural.
3. The Community Development Department is already processing one subdivision under SB 330 and may have a second project utilizing the SB 330 process shortly. A handout and supplemental application are located on our website.



Unapproved COMMUNITY RESOURCES AGENCY

DAVID B. GONZALVES, C.B.O.
Director

Administration - Building - County Surveyor - Engineering - Environmental Health - Fleet Services - GIS - Housing - Planning - Roads - Solid Waste

BOARD OF SUPERVISORS HOUSING POLICY COMMITTEE MEETING MINUTES SPECIAL MEETING June 5, 2019

48 Yanez Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
(209) 533-5633
(209) 536-1622 (Fleet)
(209) 533-5616 (fax)
(209) 533-5909 (fax - EHD)
(209) 588-9064 (fax - Fleet)
(209) 533-5698 (fax - Roads)
www.tuolumnecounty.ca.gov

PRESENT: Chair John Gray; Supervisor Ryan Campbell; Doreen Schmidt, Area 12 Agency on Aging; Sandra Sturzenacker, Amador Tuolumne Community Action Agency (ATCAA); Mike Lemke, Building Industry Association (BIA); Trinity Abila, Habitat for Humanity; Erik Segerstrom, Tuolumne County Association of Realtors (TCAR)

ABSENT: None

STAFF: David Gonzalves, Community Resources Agency Director; Quincy Yaley, Community Resources Agency Assistant Director - Development; Sheila Shanahan, Housing Program Coordinator; Ann Connolly, Department of Health and Social Services (DHSS); Steve Boyack, DHSS; Michelle Carlson, Tuolumne County Behavioral Health; Michelle Carney, Administrative Assistant

The Committee rearranged its agenda during the meeting; however, the minutes have been prepared to follow the printed agenda for the purpose of consistency.

CALL TO ORDER/WELCOME:

Supervisor Gray called the special meeting of June 5, 2019, to order at 2:04 p.m.

PUBLIC COMMENT:

Supervisor Gray opened the 15 minute public comment period.

A member of the public spoke about the proposed Resiliency Village project and added that he would like the Resiliency Village project to be included in the Plan to Combat Homelessness. He added that the Resiliency Village project will address many of the items on the Plan to Combat Homelessness Chart of Solutions.

Seeing no one else wishing to speak, Chair Gray closed the public comment period.

COMMITTEE BUSINESS:

1. Consideration of the Minutes of the Meeting of April 11, 2019.

Chair Gray asked if there were any changes or corrections to the minutes of the meeting of April 11, 2019.

It was moved by Ms. Schmidt and seconded by Ms. Sturzenacker to approve the minutes of the meeting

of April 11, 2019 as presented.

Chair Gray called for the vote: Ayes, 7; Noes, 0; Abstain, 0.

Motion carried 7 – 0 – 0.

2. Reports

None.

3. Status Report – Review of 2019 Work Plan.

Ms. Shanahan introduced herself and said that the Board of Supervisors formally adopted the 2019 Work Plan.

NEW ITEMS:

1. Review of Senior Legislator Bill on Fee Deferrals.

Supervisor Gray tabled the item due to Mr. Whisnand not being present.

2. Consideration and Action concerning the Draft County of Tuolumne Plan to Combat Homelessness.

Ms. Shanahan provided an overview of the Tuolumne County Plan to Combat Homelessness as provided in the agenda packet. She explained that the Board of Supervisors approved the County to apply for the No Place Like Home (NPLH) Technical Assistance Grant which would provide permanent supportive housing for people who are homeless and have a serious mental illness. She added that the grant was partially used to create a County Plan to address homelessness. She said that the plan was compiled by a joint effort from DHSS, Behavioral Health, the Community Resources Agency (CRA) Housing Division, and Home Base, an independent consulting group specializing in homelessness and housing for homeless. She stated that a series of focus groups was held to get feedback from experts in the community who deal with homelessness in various ways. She added that the focus groups considered the needs of the community concerning homelessness, the available resources, what items/services are lacking, and implementation programs to address the needs in our community. She said that having a Plan to Combat Homelessness allows the County to apply for NPLH assistance, as well as State funding such as Homeless Emergency Aid Program (HEAP). She provided an overview of the results of the 2019 Point in Time (PIT) Count.

A member of the public stated that he does not think the PIT count is an accurate number.

Ms. Shanahan said that the Department of Housing and Urban Development (HUD) dictates how and when the PIT counts are conducted.

A discussion ensued about the accuracy of PIT counts.

Ms. Shanahan reviewed the 7 themes listed in the Chart of Solutions provided in the agenda packet, which includes lack of affordable housing, the need for more shelter options, lack of funding/funding restrictions, lack of agencies/services, lack of employment opportunities, transportation challenges, and coordination of services.

A member of the public asked if the Planning Division has any plans or incentives for tiny houses.

Ms. Yaley stated that the Building Code does allow for variation in housing sizes and that applications for permits to build smaller houses are processed as any other permit application is processed.

A member of the public stated that Resiliency Village is in the process of researching and developing a tiny house prototype that will be available for the public to see upon completion.

A member of the public said that safety is one of the biggest challenges that the homeless population faces. He suggested developing a KOA style facility to provide a safe place for the homeless to sleep in tents.

A member of the public said that the plans for the Resiliency Village include various types of shelters and campgrounds.

A discussion ensued about funding opportunities available to the County and the Central Sierra Continuum of Care (CSCoC), which includes Tuolumne, Calaveras, Amador, and Mariposa counties.

Ms. Cloward introduced herself as the Coordinator of the CSCoC and expressed the importance of making sure that Tuolumne County has ample representation in the CSCoC to benefit from potential funding granted to the CSCoC.

A discussion ensued about the structure of the CSCoC governing board and the process of selecting members.

It was moved by Ms. Schmidt and seconded by Mr. Segerstrom to adopt the Tuolumne County Plan to Combat Homelessness as presented and recommend adoption by the Board of Supervisors.

Chair Gray called for the vote: Ayes, 7; Noes, 0; Abstain, 0.

Motion carried 7 – 0 – 0.

CONTINUED ITEMS:

1. Consideration and Action concerning County of Tuolumne Housing Element Update of the General Plan.

Ms. Shanahan provided an overview of the proposed Tuolumne County Housing Element Update included in the agenda packet. She summarized the accomplishments of the 2014-2019 Housing Element, which included the General Plan Update, changes to Ordinance Code, the Inclusionary Ordinance, Article 34 Referendum, the Foothill Housing Coalition, receipt of a grant for renovation of the Tuolumne Apartments, 2 potential developments for affordable housing, receipt of a \$75,000 NPLH Planning Grant, and the purchase of a 10-unit affordable housing rental project in the City of Sonora. She described the grants that were awarded to Tuolumne County for affordable housing, shown on page 3-20 of the Housing Element Update, which total \$11,043,986.00.

Chair Gray stated that he received statistics from Motherlode Job Training which showed a job growth gain in Tuolumne County of 1,500 jobs in the last 5 years. He requested that Ms. Shanahan obtain the statistics from Motherlode Job Training and email them to the Committee.

Ms. Shanahan explained the goals, policies and implementation programs proposed in the Housing Element Update.

Ms. Yaley explained that the County is eligible for and will apply to receive funding under SB2, which is a property transfer tax. She explained that it is a non-competitive funding source and that the County is expected to receive up to \$160,000 to be spent on projects that the County feels will improve the application process to build/develop housing or will benefit the housing program. She added that some of the funding will be used to implement an accessory dwelling unit ordinance.

A member of the public said he feels that the Inclusionary Ordinance and the incentives it provides are very out of date and need to be updated.

Ms. Yaley stated that at the direction of the Board of Supervisors, staff will be updating Title 17, which includes the Inclusionary Ordinance. She said that due to current budget restraints, she did not know when the Board of Supervisors will direct staff to begin updating Title 17.

A discussion ensued about the Inclusionary Ordinance.

The Committee agreed by consensus to recommend to the Board of Supervisors that the Inclusionary Ordinance be reviewed and updated.

It was moved by Mr. Segerstrom and seconded by Ms. Schmidt to recommend that the Board of Supervisors adopt the Tuolumne County Housing Element Update as presented with the request that the Inclusionary Ordinance be reviewed and updated.

Chair Gray called for the vote: Ayes, 7; Noes, 0; Abstain, 0.

Motion carried 7 – 0 – 0.

ADJOURNMENT:

Supervisor Gray adjourned the meeting at 3:40 p.m.

Respectfully submitted,

David B. Gonzalves, C.B.O.
Community Resources Director

DBG:SS:mc

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